

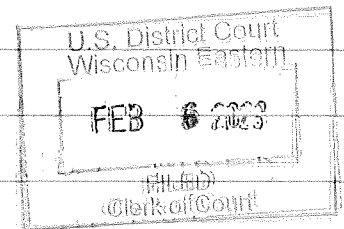
In The United States District Court
For The Eastern District of Wisconsin

Anthony Cordora,
Plaintiff,

v.

Case No. 22-C-1434

Kevin A. Carr;
Sarah Cooper;
Randall Hepp;
Union Supply Direct, Dept. 500
Thomson Reuters
Defendants



Amended Complaint
Adding Two Defendants
Demand For Jury Trial
Verified Complaint for damages and In-
junctive relief pursuant to 42 U.S.C. § 1983

I. Jurisdiction and Venue

1. This is a Civil Rights Complaint authorized by 42 U.S.C. § 1983 to redress the deprivation under color of State law of rights secured by the Constitution of the United States.

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1334(a)(b).

Plaintiff Anthony Cordova, seeks declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

Plaintiff Anthony Cordova, claims for injunctive relief and authorized by 28 U.S.C. §§ 2283 and 2284, and Rule 65 of the Federal Rules of Civil Procedure.

This Court is the appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where the events and deprivation of Constitutional rights & claims gave rise to these claims, and where they occurred.

II. Plaintiff

2. Anthony Cordova, the plaintiff in this Civil Rights Complaint alleging the deprivation of a first Amendment claim and due process, Access to the courts, Fraud, and breach of contract, is and at all times mentioned herein, is a prisoner of the State of Wisconsin, in the custody of the Department of Corrections, at the Waupun Correctional Institution, located at 200 South Madison Street, P.O. BOX 351, Waupun, WI 53963-0351.

III. Defendants

3. Defendant Kevin A. Carr, is and at all times mentioned herein is employed by the Department of Corrections, located at 3099 East Washington Avenue, P.O. BOX 7925, Madison, WI 53707.

4. Defendant Sarah Cooper, is and at all times mentioned herein is employed by the Department of Corrections, located at

3099 East Washington Avenue, P.O. BOX 7925,
Madison, WI 53707.

5. Defendant Randall Hepp, is and at all times mentioned herein, is employed by the Department of Corrections, located at 260 South Madison Street, P.O. BOX 351, Waupun, WI 53963-0351

6. Defendant Union Supply Direct and Union Commissary Solutions, are entities and Contracted to provide personal property to prisoners at the Waupun Correctional Institution as well as provisions, is and at all times mentioned herein is a Corporation, located at P.O. BOX 619059, Dallas, TX 75261-9059. And is in violation of the contract, and fraud laws.

7. Defendant Thomson Rentes, is a Corporation that Contracted with defendants Kevin A. Carr, and Sarah Cooper, to provide legal research Services to the prisoners at the Waupun Correctional Institution, is and at all times mentioned herein, located

at 610 Opperman Drive, Eagan, MN 55123.

IV. Statement of Claims

8. On December, 2021, Plaintiff Anthony Cordova, Subscribed to the "Prison Legal News" and the "Criminal Legal News".

Plaintiff Anthony Cordova, received only the December issues.

After not receiving the January, 2023 issues of Prison legal news, nor Criminal legal News, Plaintiff Anthony Cordova, filed an inmate complaint on 2/15/2022.

9. On 4/14/2022, Tina Moon, the Institution Complaint Examiner (ICE) sent the plaintiff Anthony Cordova, an "ICE Return Letter" because I had listed both; the Prison Legal News, and the Criminal Legal News magazines on the same complaint. The Department of Corrections (herein after DOC) does this (limits one issue per complaint) because if a prisoner has more than one issue to complain about the time to file a separate

Complaint will have expired, barring the prisoner from filing another Complaint.

10. On 4/22/2022, plaintiff Anthony Cordova, filed a Complaint, stating that I was being denied my Criminal Legal News magazine. I had written to the property Sergeant, and Captain Kyle Trift, who was the property Supervisor, prior to filing my inmate Complaint. However, it was to no avail.

11. On 4/21/2022, my people contacted the publisher of the Criminal Legal News, and asked if the Criminal Legal News, and the Prison Legal News magazines had been mailed to plaintiff Anthony Cordova, and the publisher confirmed that they had been mailing both magazines.

12. Tina Moon, called the publisher a liar stating "If a mail piece is denied you will receive a NOND (notice of non delivery) If you have not received a NOND then nothing has arrived for you. You need to contact the ven-

Dr. "I have not received any such notice as of today (1/16/2023, nor have been provided with a hearing concerning the confiscation of my subscription of the Criminal Legal News, nor the Prison Legal News Magazines. I have not been informed of any kind of a due process hearing as of 1/16/2023, that the Criminal Legal News and the Prison Legal News Magazines post a security threat, or risk to the institution, staff, or prisoners. Plaintiff Anthony Cordova, has been denied the subscription to the Prison Legal News, and the Criminal Legal News Magazines since January 2022, without any kind of a notice or due process hearing, or explanation. In fact I received a Court Order from the Honorable William C. Brashbach, United States District Judge, the last paragraph on page 1, and the first paragraph of page 2, clearly states that plaintiff Anthony Cordova's legal letter from the Court id, was returned to the Court.

13. On 1/27/2022, Plaintiff Anthony

Cordova, wrote a letter to Tina Moon, the institution Complaint Examiner (ICE) in that letter Anthony Cordova corrected the ICE on the term "Publication" that she (Tina Moon) was trying to inject into the record.

Anthony Cordova informed her (Tina Moon) that Anthony Cordova had filed two complaints; One for the "Prison Legal News" and the other for the "Criminal Legal News" I informed her (Tina Moon) that the term "Publication" was vague, in contrast to the description that I Anthony Cordova, had given in the complaint (WCI-2022-6503) and (WCI-2022-6798).

14. On 5/3/2022, Plaintiff Anthony Cordova did receive acknowledgement that Complaint WCI-2022-6798 had been received on 5/2/2022. On the same date plaintiff Anthony Cordova, did receive notice of rejection of the complaint (WCI-2022-6798). The complaint was rejected on the basis that the plaintiff Anthony Cordova, did not provide sufficient information to support the complaint.

15. On 5/5/2022, plaintiff Anthony Cordova, did file an appeal with the defendant Randall Hepp, in accordance with the defendants own rules and regulations, Wisconsin Administrative Code chapter 310 Complaint procedures.

16. In both of my appeals on the rejected complaints (WUCI-2022-6503) and (WUCI-2022-6798) Anthony Cordova did inform the defendant Randall Hepp, that the Magazines "Prison Legal News" and "Criminal Legal News" were not detrimental to the Security, good order, or discipline of the prison, and that the prison legal news and Criminal legal news magazines did not in any way facilitate Criminal activity, and do not violate any prison rules. There is no individualized determination that the Criminal legal news, nor the prison legal news magazines violate the rules of the Waupun Correctional Institution Concerning the Content and Censorship. If they did the Administration would have outlined the violation and the violation number.

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17. On 5/11/2022 plaintiff Anthony Cordova did receive notice that the appeal had been received.

18. On 5/13/2022 plaintiff Anthony Cordova did receive a decision on Complaint (WCI-2022-6798) from the appeal from defendant Randall Hepp. The defendant affirmed the ICE's recommendation to reject the complaint.

19. On 3/4/2022 plaintiff Anthony Cordova did file a complaint in regards to ~~being~~ being denied the prison legal news magazine. The Complaint was returned to Anthony Cordova on 5/6/2022, on the grounds that "If a piece of mail is denied you will receive a NOND (notice of non delivery). If you have not received a NOND then nothing has arrived for you. You need to contact the vendor." Plaintiff Anthony Cordova has not received any kind of due process notice, or hearing concerning the Confiscation of his prison legal news and criminal legal news magazines. Nor has the plaintiff Anthony Cordova, been given any kind of notice as to why the magazines

were a threat to the prison, the staff, prisoners, or the discipline of the prison.

20. The Prison Legal News, Nor the Criminal Legal News, pose any kind of security threat, or risk to the institution, staff, or prisoners. Plaintiff Anthony Cordova has been denied the above Legal magazines since January 2022.

21. On 4/25/2022, plaintiff Anthony Cordova did receive acknowledgement that the complaint had been received. On that same date the plaintiff Anthony Cordova did receive a rejection notice of the complaint stating "Inmate does not provide sufficient information to support complaint."

22. On 4/25/2022 plaintiff Anthony Cordova filed an appeal with the defendant Randall Hepp, in accordance with the defendants own rules and regulations. Wisconsin Administrative, Subsection DDC310 Complaint procedures.

23. In the appeal, plaintiff Anthony Cordova pointed out to the defendant Randall Hepp, that the Prison Legal News magazine consisted of case law of prison conditions in jurisdiction across the United States. And that plaintiff Anthony Cordova, had not been provided with Form (DOC 243) "Notice of Non-Delivery" of mail/publication. Anthony Cordova, has not been served with any kind of notice that the Magazine "Prison Legal News" poses a threat to the Security of the prison, staff, or prisoners. Plaintiff Anthony Cordova, have not been provided with any kind of notice for a hearing, for the confiscation of the subscription to the prison legal news and the Criminal legal news since January 2022.

24. On 4/28/2022, plaintiff Anthony Cordova did receive notice from defendant Randall Hepp, that he had received the appeal. However, the defendant never responded with a reply, violating Anthony Cordova's due process rights, by not responding to the appeal on complaint (MCI-2022-6503).

25. Because the defendant neglected to respond to the plaintiff's appeal, Anthony Cordova, appealed to the Corrections Complaint Examiner, in Madison, Wisconsin, on 6/10/2022, in an effort to get some kind of redress, however, the effort was to no avail. Anthony Cordova, explained to the Corrections Complaint examiner, that the defendant Randall Hepp, never responded to his appeal. Anthony Cordova explained that he had been denied his Prison Legal News and Criminal Legal News Magazines since January 2022.

26. That Anthony Cordova explained that the prison legal news magazine consisted of case law of prison conditions in jurisdictions across the United States.

27. That Anthony Cordova had not been served with any kind of notice that the Prison Legal News posed any kind of a security threat to staff, prisoners, or the security of the prison.

28. That Anthony Cordova had not been served with any kind of notice or due process hearing, nor any reason why the prison legal news magazines were confiscated.

29. The ICE (institution complaint examiner) concluded that Anthony Cordova, did not provide any evidence of the prison legal news being delivered to the prison at 200 South Madison Street, P.O. BOX 351, Wau-pun, WI 53963-0351. Nor that Anthony Cordova had provided any documentation that the prison legal news magazine had been mailed out. However, in a telephone conversation, the Publisher of the prison legal news did tell my people that they had been sending Anthony Cordova's prison legal news magazine and the criminal legal news.

30. The defendants were well aware that to provide Anthony Cordova with form DOC-243 (notice of non delivery) would show the violations raised in this complaint.

31. On 6/16/2022, plaintiff Anthony Cordova did receive an CCE Return Letter from M. Greenwood (Corrections Complaint examiner) stating that the "CCE shall not review a rejected complaint (DOC 310.12(4)(b), Wis. Adm. Code.

32. No consideration was given to the fact that defendant Randall Hepp, never gave any kind of a response to appeal (WCT-2022-6503).

33. On 10/25/2022, Anthony Cordova, filed a complaint concerning the provisions that defendant Union Supply, is suppose to be providing the Waupun Correctional Institution general population. Because for the past 2 months 85% of canteen bags are sent back to Union Supply because 65% of the items that are ordered are not sent.

34. Defendant Union Supply, entered into a contract with the Department of Corrections, in Wisconsin to provide provisions to the general population and segregation at the Waupun Correctional Institution,

The defendant Union Supply has breached the Contract by not providing the provisions that are ordered.

35. On 11/17/2022, Anthony Cordova, did receive notice of rejected complaint. Stating that the plaintiff Anthony Cordova did not provide sufficient information to support the complaint WCI-2022-16364.

36. On 11/18/2022, Anthony Cordova, did file an appeal with defendant Randall Hepp.

37. On 11/23/2022, Anthony Cordova, did receive notice from defendant Randall Hepp, that my appeal had been received.

38. On 11/29/2022, Anthony Cordova, did receive notice from defendant Randall Hepp, affirming the ICEs recommendation to reject the complaint.

39. Prior to filing the Complaint, Anthony Cordova, did write a letter to defendant Kevin A. Carr. However, the defendant never

gave a reply to the letter concerning the provisions that defendant Union Supply is suppose to be providing.

40. On 11/22/2022, the plaintiff Anthony Cerdova, did file a complaint concerning the defendant Union Supply.

41. The defendant Union Supply is selling defective electronic units to the prisoners at the Maupun Correctional institution. The Televisions and Radio Units are defective in that the defendant is removing the speakers from the units as well as installing a devise that limits the loudness of the unit. There is no policy at the Maupun Correctional institution that indicates that electronic units must have the speakers removed from the Televisions and Radios, nor is there a policy that requires for the installation of a devise to regulate the sound.

42. By the defendant Union Supply, doing this, is committing fraud because its charging prisoners the full retail value of

The units in a defective condition.

43. Defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, exceeded their authority in implementing the legal mail censorship policy. That is a fundamental constitutional right that is considered a protected activity.

44. This Censorship policy to censor legal mail, by the defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, is without legal standing. If this policy had legal substance of any kind the defendants wouldn't require a prisoners signature, they could just implement it and that would be that. In contrast the policy bears no foundation at all, and is contrary to Constitutional Law as well as the defendants own rules and procedures. The defendants censorship policy on legal material presumably reflects what they (the defendants) think is reasonably necessary to serve security, or legitimate penological interest, this suggests that by going outside the

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Legislative intent when the Legislature promulgated the Wisconsin Department of Corrections Administrative Code, is arguably unreasonable.

45. By the defendants failing to follow the mandate established in the department of corrections administrative code, is in itself a violation of due process and the First Amendment.

46. Plaintiff Anthony Cordova was not allowed/permitted to see the prison legal news, nor the criminal legal news magazines.

47. The defendants made no effort to contact the publisher, nor did the defendants Kevin A. Carr, Sarah Cooper, nor Randall Hepp, send the publisher a copy of the form DOC-243 as required by the defendants own rules and regulations.

48. The defendants Kevin A. Carr, Sarah Cooper, and Randall Hepps, censorship policy of the prison legal news and criminal

legal news, is totally unrelated to the contents of these two legal news magazines.

49. The defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, totally disregarded established Legislative procedures and standards as mandated by the Legislature in Wisconsin Department of Corrections Administrative Code.

50. Plaintiff Anthony Cordova was not provided with a copy of the defendants individualized determinations as to why the prison legal news or the Criminal legal news, violated the defendants Censorship rules. The defendants simply decided to censor all incoming and outgoing legal mail as the court knows at first hand when the defendants returned the court's letter to the court.

51. The defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, decided not to provide Anthony Cordova with a due proc-

ess hearing, or a notice thereof, nor a reason why the defendants felt it necessary to censor the Prison Legal News and the Criminal Legal News Magazines.

52. The plaintiff Anthony Cordova, did explain to the defendants that the prison legal news and criminal legal news magazines were in no way detrimental to the security, or the operation of the prison, nor did the legal magazines contain material relating to making, or using weapons, alcohol, or instruct criminal activity, or lead to the use of physical violence, or group disruption, or sexually explicit material that threatened security, order, or discipline of the prison. However, all the efforts that the plaintiff Anthony Cordova, made to explain the nature of the content of the prison legal news and criminal legal news was to no avail.

53. On 11/27/2022, Anthony Cordova, did file a complaint with the prison ICE (institutional complaint examiner) in the

complaint I explained that Union Supply was selling bogus Radios to the prisoners at the Maupun prison. The defendant Union Supply is removing features from the Radios and Televisions these features that are being removed are features called auxiliary input and volume control and other features which will be identified after, or during the discovery stage.

52. On 12/5/2022, Anthony Cordova did receive notice of rejection.

53. On 12/12/2022, Anthony Cordova did send defendant Randall Hepp, ~~DOC~~ form DOC-0643 (interview/information request) and in that form Anthony Cordova informed the defendant Randall Hepp, that I had received my notice of a rejected complaint. And that on that same date (12/5/2022) I requested an appeal form from the Cell Hall Sergeant, he informed me that he had none and that the forms were on order.

54. On 12/14/2022, Anthony Cordova

did send form DOC-0643 (interview/information request) to the ICE (institution complaint examiner) requesting two DOC-2182 forms (request for review of rejected complaint) The ICE Tina Moon, responded by stating that she had called the Cell Hall (Northwest Cell Hall) and that Sergeant Manthis, had told her that he had appeal forms.

55. On 12/23/2022, Anthony Cordova did file form DOC-2182 (request for review of rejected complaint).

56. Plaintiff Anthony Cordova's complaint was rejected as frivolous, this indicates that the complaint lacked a legal basis, or merit, and that it was not serious, nor, that it was reasonably purposeful.

a. defendant Union Supply clearly and unambiguously shows that it is intentionally removing features from the electronic units that it sells to prisoners at the Wapiti State Prison. The defendants state this in their catalog.

b. the defendant Union Supply, is depreciating the value of the electronic ~~units~~ units by removing these features and installing sound regulation devices.

c. The defendant Union Supply is selling these defective units to the prisoners at full value.

d. defendant Union Supply, is a retailer, and by purchasing these units from manufacturers at wholesale and then marking up the units at full market value and selling them to the prisoners after the units have been tampered with is fraud.

57. The plaintiff Anthony Cordova did try to resolve these issues internally, however, those efforts were fruitless. Anthony Cordova also explained to defendants Kevin H. Carr, Sarah Cooper, and Randall Mepp, that the Prison Legal News, and the Criminal Legal News Magazines were in no way detrimental

to the security, or the operation of the prison, nor did the prison legal news, nor the Criminal legal news magazines contain material relating to making, or using weapons, alcohol, or instruct criminal activity, or lead to the use of physical violence, or group disruption, or sexually explicit material that threatened security, order, or discipline. However, all the internal efforts that plaintiff Anthony Cordova, made to have these issues resolved internally were to no avail.

V. Claim For Relief

58.

A. Defendants Kevin A. Carr, Sara Cooper, and Randall Hepp, made no effort to provide Anthony Cordova with any kind of notice, or due process hearing concerning the censorship of the Prison Legal News, and the Criminal Legal News Magazines. Nor was any kind of an explanation offered or provided.

B. Defendants Kevin A. Carr, Sarah

Cooper, and Randall Mepp, ignored the legislative mandate as set out in the Department of Correction Administrative Code, Chapter 309.

C. The defendants Censorship rules has nothing to do with the contents of the Prison Legal News, nor the Criminal Legal News Magazines.

VI. Relief Requested

WHEREFORE, Plaintiff Anthony Cordova demands a jury trial, and requests that this Court grant the following:

A. Declare that Defendant Kevin A. Carr, violated plaintiff Anthony Cordova's first Amendment Rights, and due process Rights, when he directed defendant Sarah Cooper, to promulgate a censorship rule to censor all incoming and outgoing legal mail. Which is outside of the Department of Corrections own Administrative Code, which only the legi-

Slature can amend, or repeal.

B. Declare that defendant Sarah Cooper, violated plaintiff Anthony's First Amendment Rights and due process Rights, when she promulgated, and directed defendant Randall Hepp, to implement a censorship rule to censor all outgoing and incoming legal mail. As stated in her memorandum to all prisoners at the Waupun Prison.

C. Declare that defendant Randall Hepp, violated plaintiff Anthony Cordova's First Amendment and due process rights by directing his staff to censor all legal mail and return it to the Courts. Defendant Randall Hepp, directed his Security staff to go around to all the cell halls and collect the signatures of all the prisoners authorizing the DOC (Department of Corrections) to censor their mail. Captain Larson, and a Lieutenant came to the Northwest cell Hall, and were collecting the names,

DOC numbers, and cell numbers of all the prisoners in the Northwest Cell Hall, ~~whether~~ whether consent was give, or not, they wrote this information on a piece of paper that was on a clipboard. If a prisoner refused to give the prison consent to censor his legal mail (as I did) they were told that they would not be able to send or receive mail not even legal mail, (as they did me).

D. That Defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, have not given a reasonable explanation as to why plaintiff Anthony Cordova, is being denied the subscriptions to the prison legal news and criminal legal news magazines, whose subscriptions started on 12/2021.

E. Issue an injunction requiring the defendants Kevin A. Carr, Sarah Cooper, and Randall Hepp, to refrain from censoring any legal mail, legal books, or legal magazines.

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- F. That all of the prison legal news and criminal legal news that the defendants confiscated since January 2022, to date be turned over to the plaintiff Anthony Cordova.
- G. If the defendants destroyed all the issues of the prison legal news and criminal news, that the Court order the defendants to compensate the plaintiff Anthony Cordova, for the cost of each magazine destroyed.
- H. Award compensatory damages for Anthony Cordova's First Amendment Rights, Due process, Access to the courts, violations without justifiable cause.
- I. Issue an injunction requiring the defendant Thomson Reuters to provide access to the case law that deal directly with the denial of the first amendment, all the case laws that have been litigated by the Prison Legal News, as the Human

Rights Defence Center have been taken out of the contract plan so that prisoners don't have access to them (like Anthony Cordova).

J. Grant plaintiff Anthony Cordova, such other relief as it may appear Anthony Cordova, is entitled to, including attorney fees.

Pursuant to 28 U.S.C. § 1746, Anthony Cordova declares that under the penalty of perjury that the above is true and correct.

Dated this 24th day of January, 2023.

Respectfully Submitted,

Anthony Cordova
Anthony Cordova
Waupun Correctional Institution
200 South Madison Street
P.O. BOX 351
Waupun, WI 53983-0351